

113 87-195-A #113 87-195-A **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 42-1.1.B. to permit 2 parking spaces in lieu of the required 8 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Present parking lot must be converted into a playground area in order to meet Baltimore County's day care suggestions for outdoor area space. By dividing part of this area into a parking lot and play area, inadequate space is available for play. The eleven parking spaces already present in front of the proposed day care building and playground area, plus the available parking area on the north side of the service road, New Deal Place, are requested to satisfy the parking requirements of the center. Being a one-way service road, New Deal Place would offer safe drop-off and pick-up conditions.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: George N. Krause / Donna C. Krause
(Type or Print Name)
George N. Krause
Signature
Donna C. Krause
Signature
Baltimore, Md.
City and State

Legal Owner(s): Charles W. Walters
(Type or Print Name)
Charles W. Walters
Signature
Antoinette M. Walters
(Type or Print Name)
Antoinette M. Walters
Signature

Attorney for Petitioner: William E. Hammond
(Type or Print Name)
William E. Hammond
Signature
107 Main St.
Address
Reisterstown, Md. 21136
City and State
Attorney's Telephone No.: 833-1322

Address: 492 Old North Point Rd. 21224
Baltimore, Maryland
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
William E. Hammond
Name
107 Main Street
Address
833-1322
Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 22nd day 84-288A

of September, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of November, 1986, at 10:45 o'clock A.M.

William E. Hammond
Zoning Commissioner of Baltimore County.
(over)

IN RE: PETITION FOR ZONING VARIANCE
SW/S of New Deal Place
100' NW of Midway
(211 Wise Avenue)
12th Election District
Charles W. Walters, et ux
Petitioners
Charles W. Walters, et ux
Case No. 87-195-A

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-195-A

The Petitioners herein request a zoning variance to permit zero parking spaces in lieu of the required eight spaces.

Testimony by and on behalf of the Petitioners indicated that the site, currently utilized as a produce market, is improved with a 40' x 95' building, shed, and a 60' x 100' macadam parking lot. Mrs. Donna C. Krause, one of the Contract Purchasers, is educated and experienced as a teacher. He plans to utilize the building as a day care center with a maximum of 80 children, a number that will require 8 employees. The service road in the front is one-way and provides parallel parking on one side and angle parking on the other. By enclosing the entire parking lot with fencing, adequate outdoor play area can be provided for the children. Operating hours will be from 6:30 AM to 6:00 PM, Monday through Friday.

Several area residents, speaking in favor of the subject request, noted that there is an area need for day care. The instant site is an ideal location and additional parking is available on area streets. There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 19th day of November 1986, that the herein request for a variance to permit zero parking spaces, in accordance with Petitioner's Exhibit 2, is hereby GRANTED, subject, however, to the following restrictions:

- 1) The site must be utilized as an owner-operated day care center or the variance granted becomes null and void.
- 2) An adult must escort each child to and from the entrance of the center.
- 3) Employees shall be encouraged to park their vehicles in locations that leave parking spaces nearest the center entrance available for drop-off and pickup of children.

Jan M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

November 19, 1986

William Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Petition for Zoning Variance
SW/S of New Deal Place,
100' NW of Midway
(211 Wise Avenue)
12th Election District
Charles W. Walters, et ux
Case No. 87-195-A

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above referenced case. Please be advised that your Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

If you have any further questions on the subject matter, please do not hesitate to contact this office.

Very truly yours,

Jan M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Enclosures

cc: Mr. & Mrs. Charles W. Walters
409 Old North Point Road, Baltimore, Maryland 21224

Mr. & Mrs. George N. Krause
2544 Liberty Parkway, Baltimore, Maryland 21222

People's Counsel

PETITION FOR ZONING VARIANCE

12th Election District

Case No. 87-195-A

LOCATION: Southwest Side of New Deal Place, 100 feet Northwest of Midway (211 Wise Avenue)

DATE AND TIME: Wednesday, November 12, 1986, at 10:45 a.m.

PUBLIC HEARING: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit 0 parking spaces in lieu of the required 8 spaces

Being the property of Charles W. Walters, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PROPERTY DESCRIPTION

Beginning at a point on the southwest side of New Deal Place 100 feet Northwest of Midway and being Lots 7 to 10, Block I as shown on the Plat of Inverness, which is recorded in the Land Records of Baltimore County in Plat Book 10, Folio 128.

RE: PETITION FOR VARIANCE
SW/S of New Deal Pl., 100' NW
of Midway (211 Wise Ave.),
12th District
CHARLES W. WALTERS, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-195-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of October, 1986, a copy of the foregoing Entry of Appearance was mailed to William E. Hammond, Esquire, 107 Main St., Baltimore, MD 21136, Attorney for Petitioners; and Mr. and Mrs. George N. Krause, 2544 Liberty Parkway, Baltimore, MD 21222, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th Date of Posting 10/24/86
Posted for: Veronica
Petitioner: Charles W. Walters, et ux
Location of property: SW/S of New Deal Place, 100' NW of Midway
211 Wise Ave.
Location of Signs: Facing 3' x 5' Shedway, Rd. 2
on RR. between New Deal Place & Midway, 1/2 mile S of 211 Wise Ave.
Remarks: None
Posted by: William E. Hammond Date of return: 10/24/86
Number of Signs: 1

ORDER RECEIVED FOR FILING
Date 11/19/86
By William E. Hammond

By William E. Hammond

OFFICE COPY

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Enzo Bayne
Business name (if applicable) _____
Address 8 Midway 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name James Cichetti
Business name (if applicable) _____
Address 3 Midway

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Stanley L. Cooper
Business name (if applicable) Stanley L. Cooper's Beauty Salon
Address 215 Wise Avenue Baltimore, Md 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Calvin E. Rainer, resident
Business name (if applicable) _____
Address 313 A Wise Ave Baltimore, MD 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name John J. Rometti
Business name (if applicable) _____
Address 15 Midway

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Henry Pitt
Business name (if applicable) _____
Address 5 Midway Ave 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name James Poynter
Business name (if applicable) Miss Lianora
Address 307 Wise Ave

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Edna Jackson, Resident
Business name (if applicable) _____
Address 313 Wise Ave Baltimore 21222

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.

JILL McCULLOUGH

* Also Admitted in the District of Columbia

March 13, 1998

Mr. Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Case No. 87-195-A
Creative Learning

Dear Mr. Richards:

Enclosed is a copy of an Opinion and Order dated November 19, 1986, pertaining to a parking variance for a child care center. You may recall that I spoke of this with you a couple of weeks ago. My client, Creative Learning and Child Care Center, Inc., is now interested in selling the property and the business to another business which would also own the property.

Restriction 1 states: "The site must be utilized as an owner-operated day care center or the variance granted becomes null and void." There is nothing in the opinion which restricts the variance granted to this operator. My client now wishes to know if she indeed can transfer the property to another owner-operator of the facility without losing the variance.

On February 11, 1998, Zoning Commissioner Schmidt in a response to a letter from my client opined that the restriction would have to be eliminated by special hearing in order for the transfer to occur. A copy of that letter is enclosed. I have since discussed the issue with Mr. Schmidt, and he now would have no problem with the matter being interpreted as I have done, which is that although it is clear that the owner of the property must be the operator of the facility (as indeed he opined at page 2, paragraph 1), there is nothing in the order restricting the variance to a particular person or entity. Indeed, that seems antithetical to the concept of variances running with the land and not with the person.

Mr. Schmidt seemed amenable to revising his opinion or to allowing your decision to be

determinative of the issue. I undertook to go over this with him, for in our discussion you indicated for obvious reasons that you would not want to have conflicting opinions issued.

Accordingly, since the opinion is silent as to the identity of the owner-operator, since allowing the variance for a new facility and restricting it to a particular owner-operator would not seem supported by the balance of the opinion nor traditional variance law, and since Commissioner Schmidt seemed amenable upon reflection to this reasoning we would appreciate an opinion indicating that such a transfer limited to an owner-operator would not eliminate the variance and would be within the spirit and intent of the Order.

Very truly yours,

John B. Gontrum

cc. Donna Krause
Lawrence Schmidt, Esq. /
enc.



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

February 11, 1998

Ms. Donna Krause
Creative Learning and Child Care Center, Inc.
211 Wise Avenue
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
Property: 211 Wise Avenue
Case No. 87-195-A

Dear Ms. Krause:

This is to acknowledge receipt of your letter of February 9, 1998 regarding the above property.

I have reviewed case file No. 87-195-A, which has been stored on the County's microfilm records. An examination of that file discloses that the case was opened for a Petition for Variance to permit 0 parking spaces in lieu of the required 8 spaces for a day care center to be operated at 211 Wise Avenue. The zoning petition was signed by the property owners, Charles W. Walters and Antoinette Waters, and the contract purchasers, yourself and George Krause.

By opinion and Order dated November 19, 1986, then Deputy Commissioner Jean M.H. Jung granted the Petition for Zoning Variance, with restrictions. One of the restrictions stated was, "The site must be utilized as an owner-operated day care center or the variance granted becomes null and void." Unfortunately, the body of the written opinion does not explain why this restriction was imposed and there is no documentation within the case file which relates to the issue. Quite candidly, I am at a loss to explain why the Deputy Commissioner imposed such a requirement; which does not appear to be supported by any information within the file. However, the Zoning Commissioner is empowered by the Baltimore County Zoning Regulations to impose such reasonable restrictions or limitations on the grant of any zoning relief which he/she considers appropriate. Thus, I believe that Deputy Commissioner Jung's restriction is binding, notwithstanding my loss to explain why it was imposed.

Ms. Donna Krause
Creative Learning and Child Care Center, Inc.
211 Wise Avenue
Baltimore, Maryland 21222
page 2.....

As you know, the Order is also silent as to the meaning of the phrase, "owner-operated day care center". In my judgment, this means that the owner of the property must also be the operator of the day care facility. I do not know how that phrase could be construed to mean anything else.

Under that interpretation, it seems clear that a sale of the property to someone other than you and Mr. Krause, or Mr. and Mrs. Waters, would cause the zoning variance relief to be forfeited. That is, it is my view that Deputy Commissioner Jung's decision limits the operation of the day care center to only those individuals identified in the zoning petition.

In order to amend this Order and eliminate this restriction, I believe it most appropriate for you to file a Petition for Special Hearing. That Petition should be filed with the Office of Permits and Development Mgt. That office is located in the County Office Building at 111 Chesapeake Avenue in Towson. Their phone number is 410-887-3391.

The Petition for Special Hearing process is somewhat similar to the variance procedure. In essence, the Petition for Special Hearing is filed any time a property owner seeks an amendment and/or clarification of a zoning Order or regulation. In this case, it seems appropriate that a Petition for Special Hearing be filed, seeking elimination of that restriction and also to reflect that the facility is now licensed for 90 children and it may have a maximum of 10 employees.

I regret any inconvenience that the filing of the Petition may cause you. Again, although I do not quite understand the rationale for Deputy Commissioner Jung's restriction, I, nonetheless, believe that same is binding and should be amended/eliminated through the proper procedure.

Please do not hesitate to contact me should you have any questions regarding this matter.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

IN RE: PETITION FOR ZONING VARIANCE
SW/S of New Deal Place
100' NW of Midway
(211 Wise Avenue)
12th Election District
Charles W. Walters, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-195-A

The Petitioners herein request a zoning variance, to permit zero parking spaces in lieu of the required eight spaces.

Testimony by and on behalf of the Petitioners indicated that the site, currently utilized as a produce market, is improved with a 40' x 95' building, shed, and a 60' x 100' macadam parking lot. Mrs. Donna C. Krause, one of the Contract Purchasers, is educated and experienced as a teacher. He plans to utilize the building as a day care center with a maximum of 80 children, a number that will require 8 employees. The service road in the front is one-way and provides parallel parking on one side and angle parking on the other. By enclosing the entire parking lot with fencing, adequate outdoor play area can be provided for the children. Operating hours will be from 6:30 AM to 6:00 PM, Monday through Friday.

Several area residents, speaking in favor of the subject request, noted that there is an area need for day care. The instant site is an ideal location and additional parking is available on area streets. There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

RECEIVED
JAN 29 1998

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 19th day of November 1986, that the herein request for a variance to permit zero parking spaces, in accordance with Petitioner's Exhibit 2, is hereby GRANTED, subject, however, to the following restrictions:

- 1) The site must be utilized as an owner-operated day care center or the variance granted becomes null and void.
- 2) An adult must escort each child to and from the entrance of the center.
- 3) Employees shall be encouraged to park their vehicles in locations that leave parking spaces nearest the center entrance available for drop-off and pickup of children.

Deputy Zoning Commissioner
of Baltimore County

RECEIVED
JAN 29 1998
BALTIMORE COUNTY
SEAL & STAMP

July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Shirley Nelson
Business name (if applicable) Resident
Address 309 Wise Ave

July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Mrs. Jane Brown
Business name (if applicable) _____
Address 315 A Wise Ave.

July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name DOTI HAYES
Business name (if applicable) Coastal Inn
Address 200 Wise Ave
Baltimore, Md

July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Mr. Wm. Aracuy
Business name (if applicable) Resident
Address 309 A Wise Ave.

July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Barb J. Morris
Business name (if applicable) _____
Address 319 Wise Ave
Baltimore, Md 21222

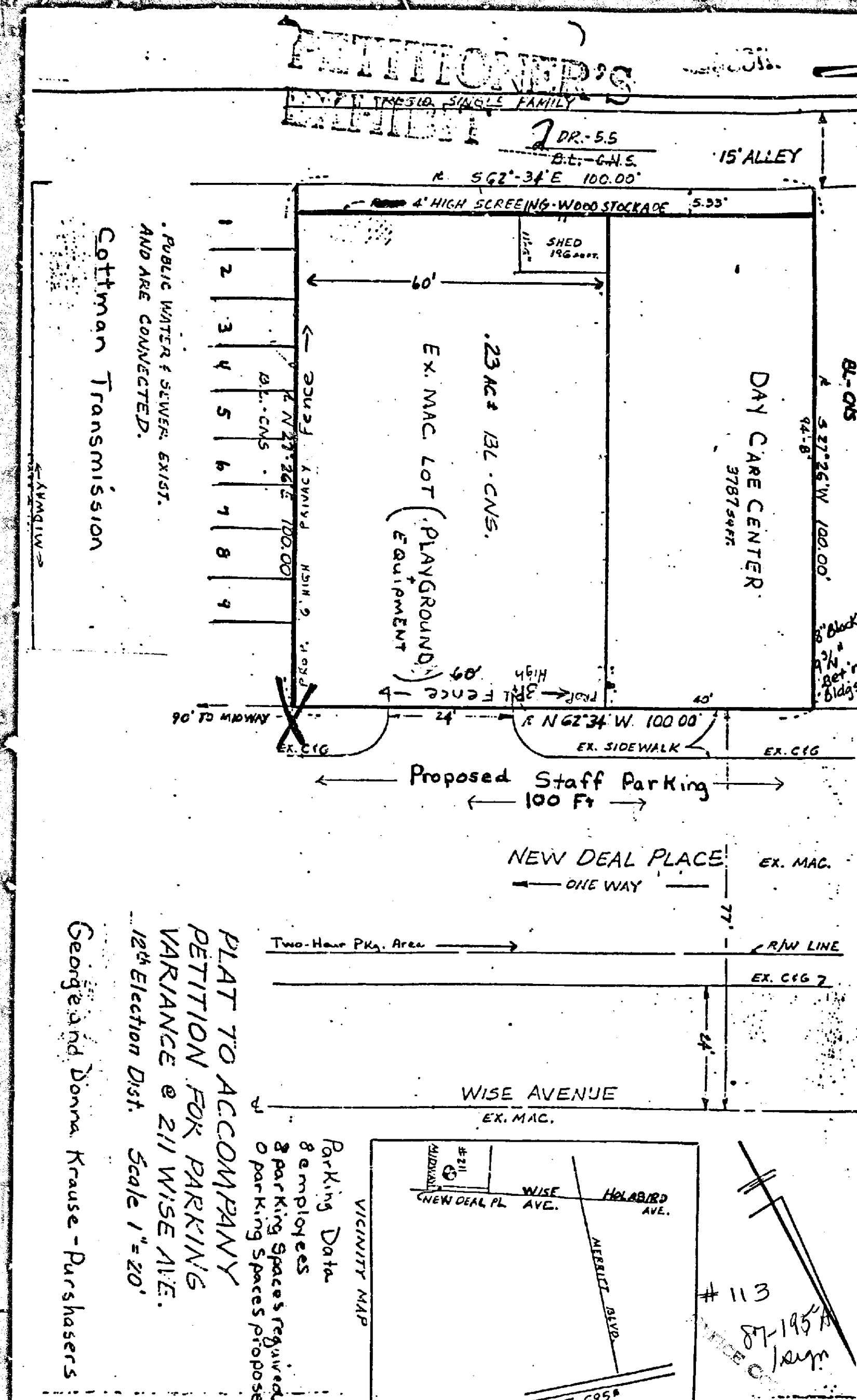
July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Carolyn W. Haggis
Business name (if applicable) W. W. Haggis - Key Realty Inc.
Address 203 Wise Avenue
Baltimore, Md 21222



87-195-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this
 22nd day of September, 1986.

ARNOLD JABLON
 Zoning Commissioner

Petitioner: Charles W. Walters, et ux
 Attorney: William Hammond, Esquire

Received by: James E. Dyer
 Chairman, Zoning Plans
 Advisory Committee

Ref. Ex. 3

December 12
 8 Midway
 Balto. Md.
 21222

In whom it may concern -
 I was scheduled to attend this
 meeting, but due to a prior commitment,
 could not. However, I would like to say
 Mr. Krause's employees would have
 ample parking space near his
 business on New Deal and absolutely
 no way better anyone in the
 neighborhood.

Sincerely
 (Mrs) Evelyn Bays
 8 Midway

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Chairperson Date: September 29, 1986

FROM: C. E. Burroughs

SUBJECT: Item #113

In making a proper review of Day Care Centers certain data is necessary. When such data as requested below is not provided the use may be wrongly classified and thereby causing either too stringent or not stringent enough application of the Code.

Section 304.1 classifies day care centers as educational use groups "E", unless the total occupancy load is less than 50 in which case it may be classified as Business Use Group "B". The occupancy load is determined by Section 806.1 and Table 806. This building technically, without a floor plan could be interpreted to have a total occupancy load of 189 occupants (378 square feet + 20) Table 806 - Educational Classrooms.

Further, should there be more than six children not more than 2 1/2 years of age, the use would be mixed 1-2 Institutional (Day Nurseries) Section 307.3 and Educational Use Group "E". This could involve a fire separation under Section 313.2 and possibly sprinklers under Section 1702.8. See also County Council Bills #50-85 and #51-85.

If we are provided a floor plan layout, the maximum number of occupants including supervisory and teacher personnel - and the numbers of children per age group (assuming they are not handicapped or immobile), we can then give accurate direction for the applicant to follow in meeting the Code requirements for that particular use, instead of using a shotgun approach to the problem.

Educational and Institutional Use Group Code requirements or a mixture of the two are decidedly more stringent than a Business Use Group.

CEB/vw

Zoning Item # 113 Zoning Advisory Committee Meeting of 9-23-86
 Page 2

() Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.

() Soil percolation tests (have been/must be) conducted.
 { } The results are valid until _____
 { } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test:
 { } shall be valid until _____
 { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

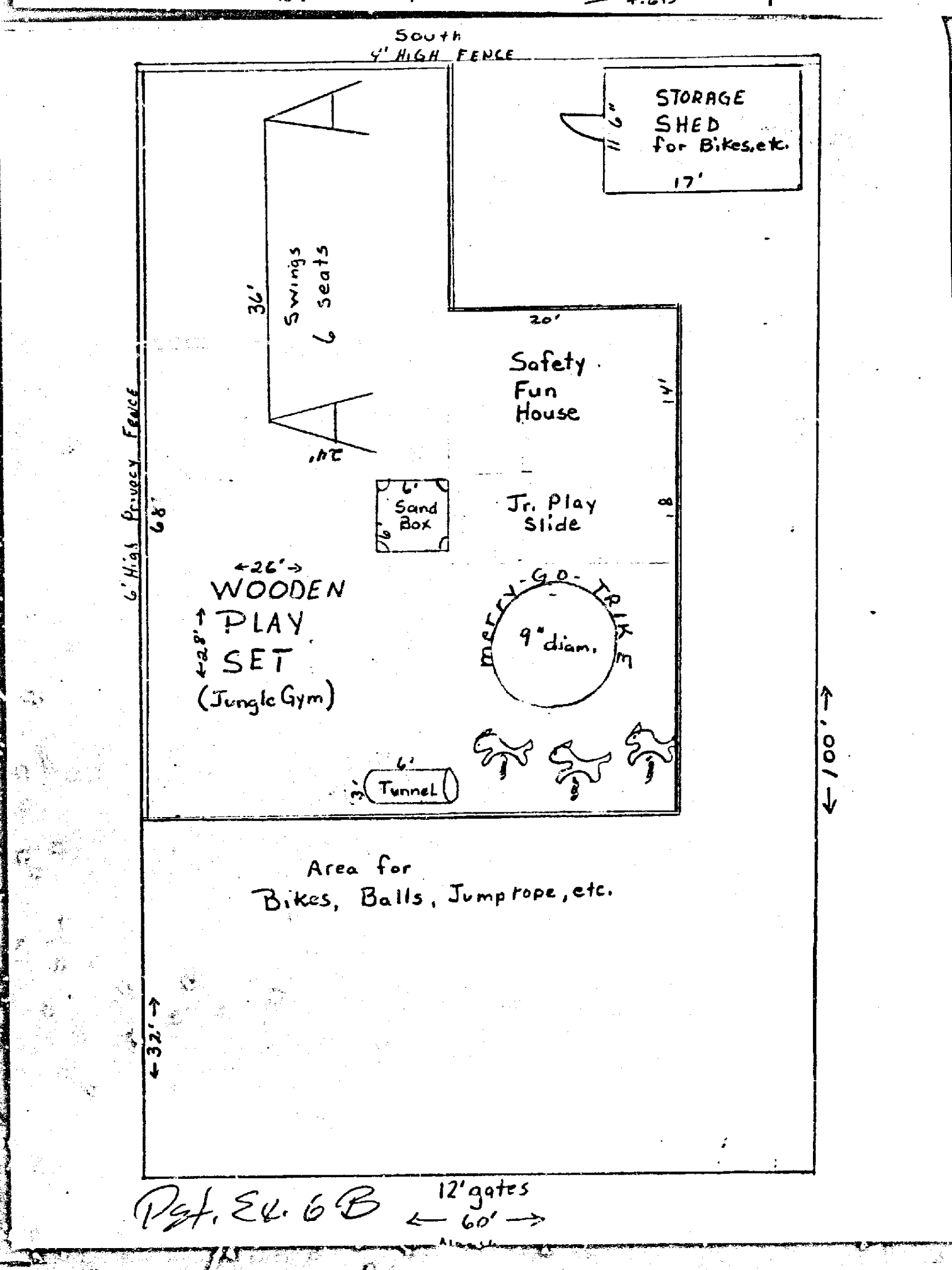
() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.

() Others _____

Jan J. Forrest, Director
 BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86



BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES
 TOWSON, MARYLAND 21204

September 29, 1986

TED ZALESKI, JR.
 DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
 Office of Planning and Zoning
 Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 113 Zoning Advisory Committee Meeting are as follows:

Property Owners: Charles W. Walters, et ux
 Location: SW/S New Deal Place, 100 feet NW Midway
 District: 12th.

APPLICABLE ITEMS ARE CIRCLED:

(1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.S.I. #17-1 - 1980) and other applicable Codes and Standards.

(2) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

(3) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All the Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 101.7, Section 106.2 and Table 106.2. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use _____ OF _____ See Section 311 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments: What was existing use of structure? See attached comments on the inter-office memo. Are there any high hazard uses within 200'. See Section 600.7.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 117 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

William A. Andersen
 Building Plans Review

WWQ 1 4/86
 11/186 87-195-A

BALTIMORE COUNTY DEPARTMENT OF HEALTH

10-30-86
 Date

Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204

Zoning Item # 113 Zoning Advisory Committee Meeting of 9-23-86

Property Owner: Charles W. Walters, et ux

Location: SW/S New Deal Place District 12

Water Supply: meter Sewage Disposal: meter

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86
 11/186 87-195-A

BALTIMORE COUNTY DEPARTMENT OF HEALTH
 TOWSON, MARYLAND 21204

Donald J. Roof, M.D., M.P.H.
 DEPUTY STATE & COUNTY HEALTH OFFICER

September 11, 1986

TO: Commissioner Arnold Jablon
 Zoning Office
 County Office Building
 Room 109
 111 West Chesapeake Avenue
 Towson, Maryland 21204

FROM: Child Day Care Office
 Baltimore County Health Department
 401 Bosley Avenue
 Towson, Maryland 21204

The Child Day Care Services Office supports the alternative parking pattern for Donna Krause's proposed Child Day Care Program at 211 Wise Avenue.

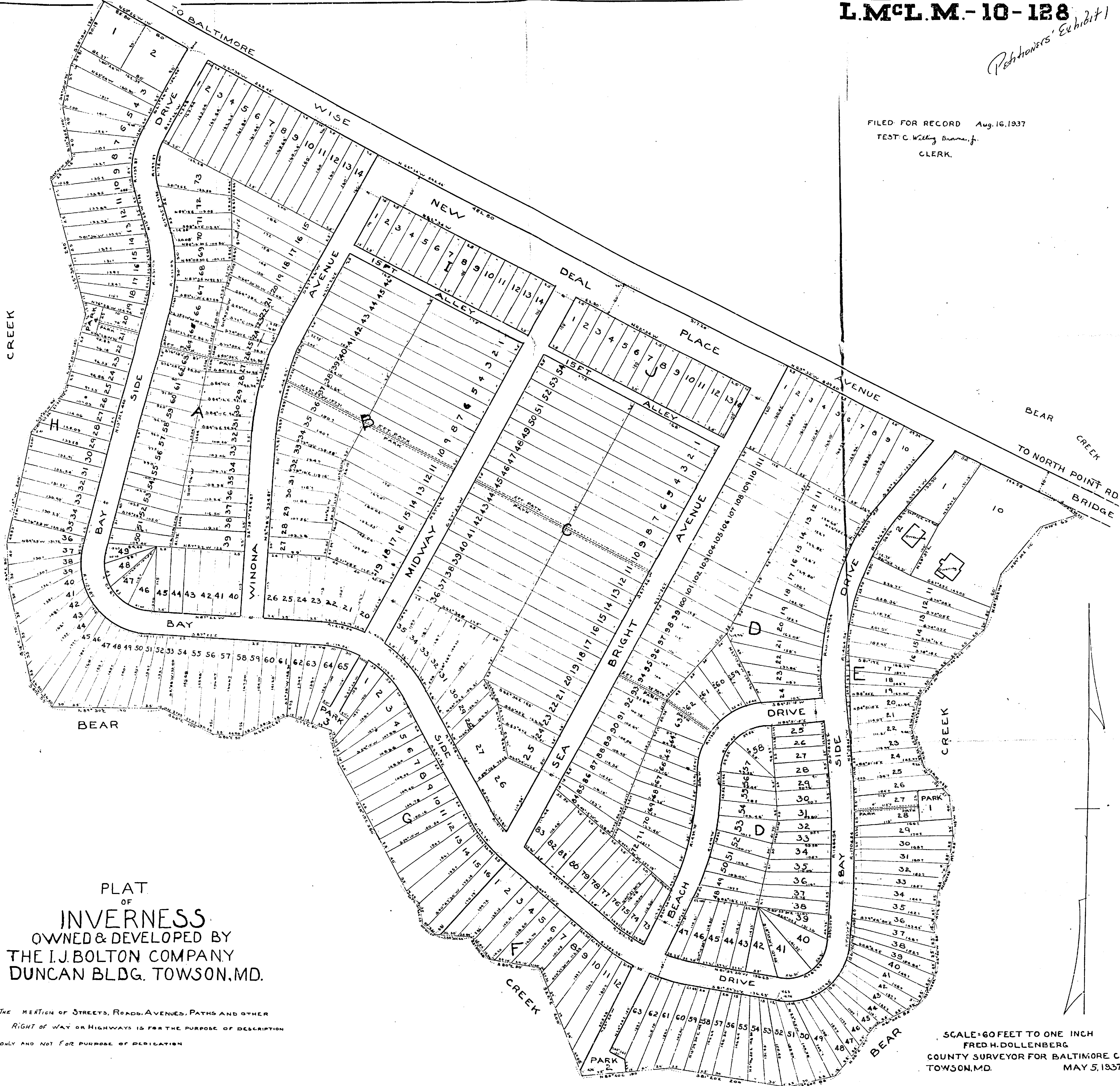
William A. Andersen, M.D.
 Chief, Maternal and Child Health
 Baltimore County Health Dept.

WAA:vf

L.M.C.L.M.-10-128
Petitioners' Exhibit 1

FILED FOR RECORD Aug. 16, 1937
 TEST: C. William Branner, Jr.
 CLERK.

CREEK



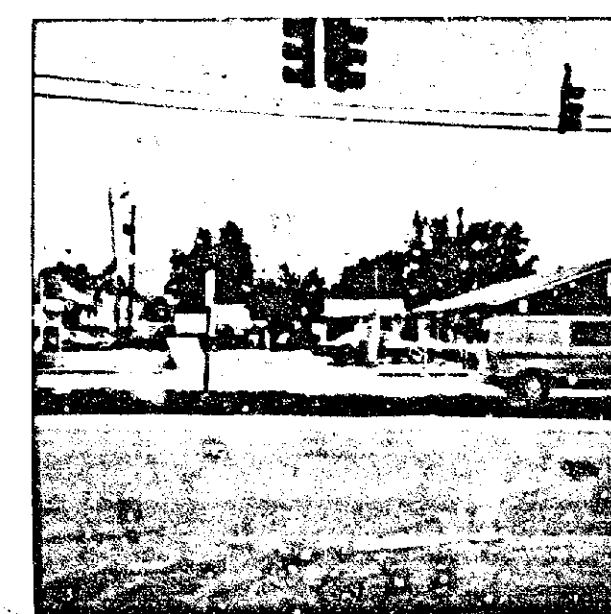
PLAT
 OF
INVERNESS
 OWNED & DEVELOPED BY
 THE I.J. BOLTON COMPANY
 DUNCAN BLDG. TOWSON, MD.

THE MENTION OF STREETS, ROADS, AVENUES, PATHS AND OTHER
 RIGHT OF WAY OR HIGHWAYS IS FOR THE PURPOSE OF DESCRIPTION
 ONLY AND NOT FOR PURPOSE OF DEDICATION

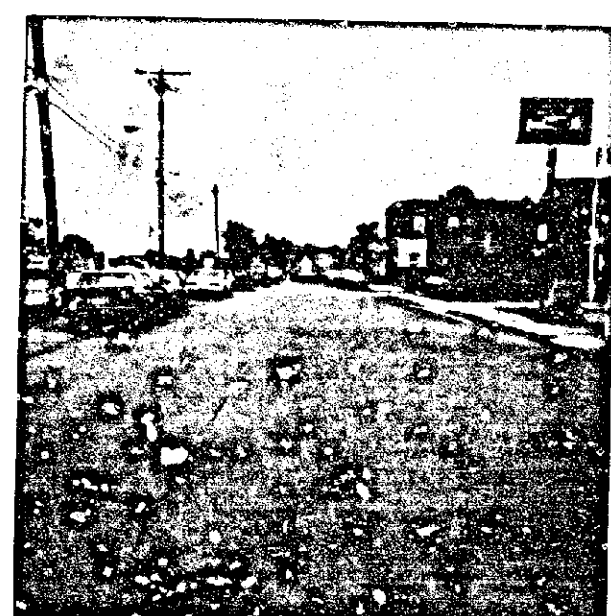
SCALE: 60 FEET TO ONE INCH
 FRED H. DOLLENBERG
 COUNTY SURVEYOR FOR BALTIMORE CO.
 TOWSON, MD. MAY 5, 1937.



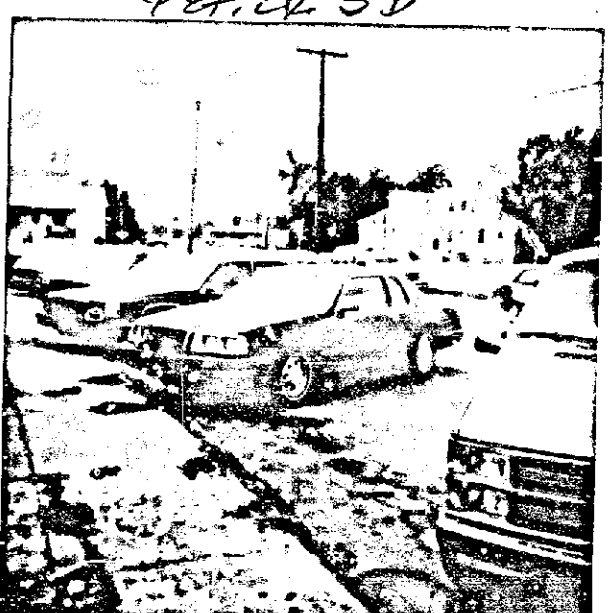
PROPERTY FRONT
Pet. Ex. 3A



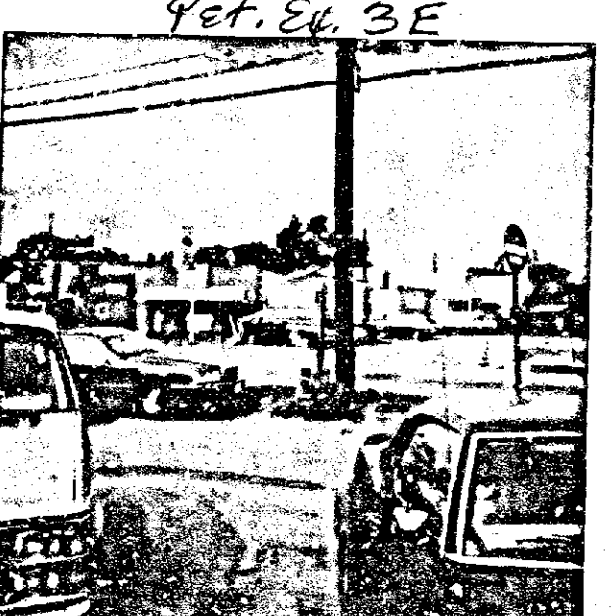
EAST SIDE OF
PROPERTY
Pet. Ex. 3B



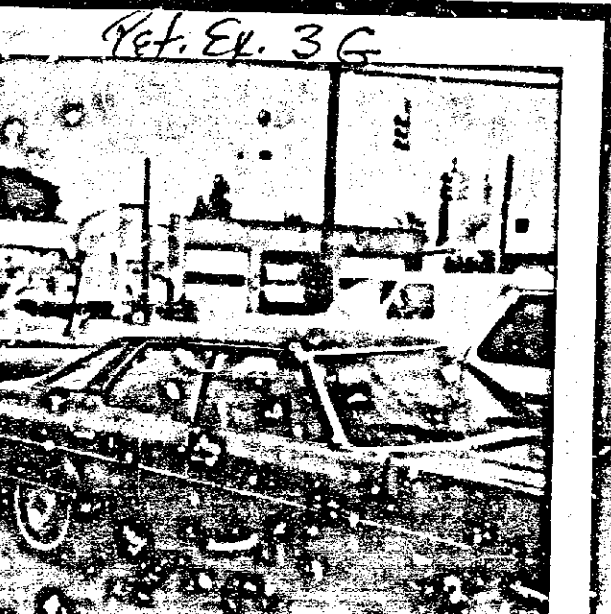
EAST SIDE OF
PROPERTY
Pet. Ex. 3C



FRONT OF
DAY CARE CENTER
LOOKING NW
Pet. Ex. 3E



LOOKING NW OF
PROPERTY
ACROSS WISE AVE.
Pet. Ex. 3F



LOOKING NORTH
ACROSS WISE AVE
FRONT OF PROPERTY

Item 113
accepted 9/13/86
CHARLES WALTERS, et al

2544 Liberty Parkway
Baltimore, Maryland 21222
September 8, 1986

RECEIVED
SEP 12 1986
ZONING OFFICE

Mr. Arnold Jablon,
Zoning Commissioner
County Office Bldg., Rm. 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Variance Hearing
Day Care Center
211 Wise Avenue, 21222

Dear Commissioner:

Attached you will find the necessary plat copies and petitions for a zoning variance needed for the proposed day care center, which is to be located at 211 Wise Avenue, Baltimore, Maryland 21222.

It is my hope that the hearing will be scheduled as soon as possible, since I must obtain the parking variance before settlement on the property can occur. If the hearing is delayed, my contract on the property will expire, and the transaction will not take place. This would cause a great financial hardship for me. Therefore, I am requesting that my hearing be held at your earliest convenience, and am eagerly waiting to hear from your office.

Thank you for your help and understanding in this situation.

Sincerely,
Donna Krause
Donna Krause

Attachments

OFFICE COPY

DP-3
1/79

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BUILDING PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

0 9 12-07-062-710

BUILDING ADDRESS: 211 WISE AVE.

OWNERS NAME: GEORGE & DONNA KRAUSE

MAILING ADDRESS OF OWNER: 2544 LIBERTY PKWY BALTO MD, 21222

DATE ISSUED: 10-29-86

PERMIT NO: 92771

CONTRACT NO: C061970-86

12 7

BUILDING CONTRACTOR: BOB DULISSE 1818 WEST AVE. BALTO MD, 21222

ENGINEER OR ARCHITECT: CHARLES WALTERS & ANTOINETTE 211 WISE AVE. BALTO MD, 21222

TRANSFER DESCRIPTION: 88 NEW DEAL PLACE 140' E. OF WINAN AVE.

A. TYPE OF IMPROVEMENT
THIS PERMIT EXPIRES OCT 29 1987

B. OWNERSHIP
PRIVATELY OWNED - 2 PUBLICLY OWNED

C. TYPE OF USE
RESIDENTIAL
ONE FAMILY
TWO FAMILY
THREE AND FOUR FAMILY
FIVE OR MORE FAMILY (ENTER NO. UNITS)

NON-RESIDENTIAL
AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
CHURCH, OTHER RELIGIOUS BUILDING
FENCE (IDENTIFY HEIGHT)
INDUSTRIAL, STORAGE BUILDING
PARKING GARAGE
SERVICE STATION, REPAIR GARAGE
HOSPITAL, INSTITUTIONAL, NURSING HOME
OFFICE, BANK, PROFESSIONAL
PUBLIC UTILITY
SCHOOL, COLLEGE, OTHER EDUCATIONAL
SOLAR
STORE
SPECIFY TYPE: RESTAURANT
SWIMMING POOL (MD. HEALTH DEPT. APPL. REQ.)
TANK, TOWER
TRANSIENT HOTEL, MOTEL (NO. UNITS)

OTHER: DAY CARE CENTER

24. PROPOSED USES: DAY CARE CENTER SEE C061970-86

EXISTING USES: DAY CARE CENTER SEE C061970-86

ESTIMATED COST OF MATERIAL & LABOR: 30,000.00

THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name: Anthony E. Stefanski
Business name (if applicable): A.E. STEFANSKI'S HOME
Address: 325 WISE AVE
BALTO, MD-21222

DP-3
1/79

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BUILDING PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

0 9 12-07-062-710

BUILDING ADDRESS: 211 WISE AVE.

OWNERS NAME: DONNA & GEORGE KRAUSE

MAILING ADDRESS OF OWNER: 2544 LIBERTY PKWY BALTO MD, 21222

DATE ISSUED: 10-29-86

PERMIT NO: 92770

CONTRACT NO: C061970-86

12 7

BUILDING CONTRACTOR: CHARLES WALTERS & ANTOINETTE 211 WISE AVE. BALTO MD, 21222

ENGINEER OR ARCHITECT: CHARLES WALTERS & ANTOINETTE 211 WISE AVE. BALTO MD, 21222

TRANSFER DESCRIPTION: 88 NEW DEAL PLACE 140' E. OF WINAN AVE.

A. TYPE OF IMPROVEMENT
THIS PERMIT EXPIRES OCT 29 1987

B. OWNERSHIP
PRIVATELY OWNED - 2 PUBLICLY OWNED

C. TYPE OF USE
RESIDENTIAL
ONE FAMILY
TWO FAMILY
THREE AND FOUR FAMILY
FIVE OR MORE FAMILY (ENTER NO. UNITS)

NON-RESIDENTIAL
AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
CHURCH, OTHER RELIGIOUS BUILDING
FENCE (IDENTIFY HEIGHT)
INDUSTRIAL, STORAGE BUILDING
PARKING GARAGE
SERVICE STATION, REPAIR GARAGE
HOSPITAL, INSTITUTIONAL, NURSING HOME
OFFICE, BANK, PROFESSIONAL
PUBLIC UTILITY
SCHOOL, COLLEGE, OTHER EDUCATIONAL
SOLAR
STORE
SPECIFY TYPE: RESTAURANT
SWIMMING POOL (MD. HEALTH DEPT. APPL. REQ.)
TANK, TOWER
TRANSIENT HOTEL, MOTEL (NO. UNITS)

OTHER: DAY CARE CENTER

24. PROPOSED USES: DAY CARE CENTER
EXISTING USES: CHEAP CHARLIE'S PRODUCE

ESTIMATED COST OF MATERIAL & LABOR: 30,000.00

THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name: SIGMUND JEFFE DDS
Business name (if applicable): SAME
Address: 201 WISE AVE
BALTO MD 21222

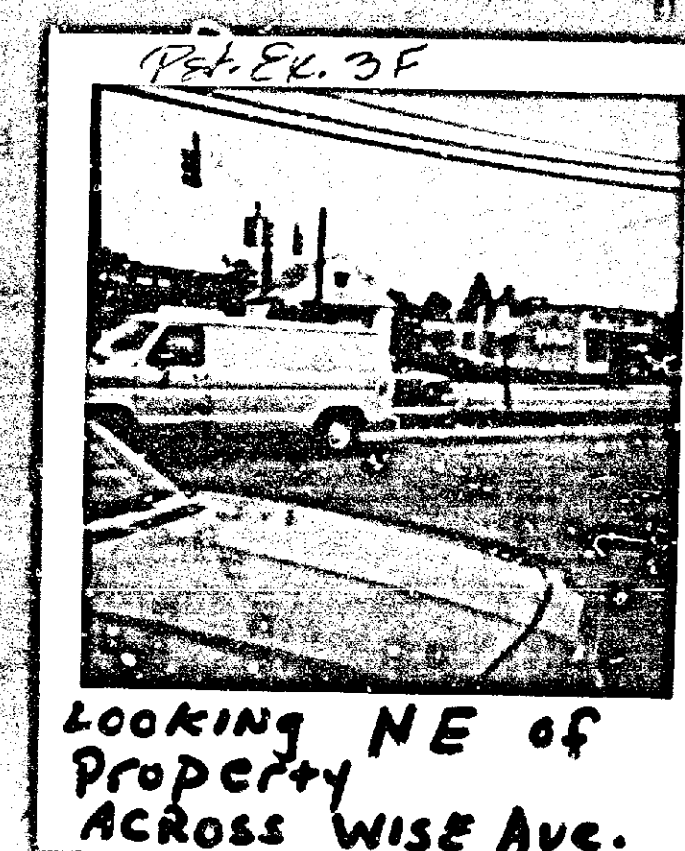
July 10, 1986

TO WHOM IT MAY CONCERN:

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I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Mr. Mrs. Name: Robert C. Purnell
Business name (if applicable):
Address: 505 Bayview Dr. Dundalk Md 21222



LOOKING NE OF
PROPERTY
ACROSS WISE AVE.
Pet. Ex. 3F

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name J. N. Puccio
Business name (if applicable) _____
Address 301 Wise Ave
Baltimore Md 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Angela Coleman
Business name (if applicable) Day it Day
Address 205 1/2 Wise Ave 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Joe Martner
Business name (if applicable) Dunack Sporting Goods
Address 301 Wise Avenue
Baltimore Md 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Nelson Schum Jr
Business name (if applicable) Cottman Transmission Inc.
Address 217 Wise Ave 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Pat Brown owner
Business name (if applicable) Business for rent
Address 303 Wise Ave Baltimore Md 21224

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name George J. Paris
Business name (if applicable) George Paris Jewel
Address 205 Wise Ave

July 10, 1966

TO WHOM IT MAY CONCERN:

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I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Donald Ullman, R.P.H.
Business name (if applicable) MEDICINE SHOPPE
Address 201 WISE AVE
DUNDALK, MD - 21222
284-0700
DON ULLMAN, R.P.H.

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Carol Needs (Manager)
Business name (if applicable) Klein Place
Address 205 Wise Ave

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Josette I. Redemann
Business name (if applicable) Balto Co. Board of Education
Address 549 Bayside Drive
Balto Md. 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Eugene Haskin
Business name (if applicable) _____
Address 527 Bayside Drive
Baltimore Md. 21222

July 10, 1966

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I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Gronie Podzimek
Business name (if applicable) _____
Address 512 Bayside Dr
Baltimore Md. 21222

July 10, 1966

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I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name HILARY C. JANISZEWSKI
Business name (if applicable) _____
Address 545 BAYSIDE DRIVE
BALTO. MD. 21222
Hilary C. Janiszewski

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Betty I. Mosley
Business name (if applicable) Resident
Address 535 Bayside Dr
Baltimore MD. 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Anthony P. Dietz
Business name (if applicable) _____
Address 543 Bayside Drive
Baltimore Md. 21222

July 10, 1966

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

I also have no objections to parents using the service road for the purpose of dropping off and picking up their children.

Name Elizabeth & Howard Myers
Business name (if applicable) _____
Address 26 Winona Ave
Baltimore Md. 21222

July 10, 1966

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I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

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Name Georg Cantor
Business name (if applicable) _____
Address 510 Bayside Dr.

July 10, 1986

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Name Nancy S. Super
Business name (if applicable) _____
Address 4 Winona Ave

July 10, 1986

TO WHOM IT MAY CONCERN:

I have no objections to the staff of the proposed day care center, which is to be located at 211 Wise Avenue, to use the service road for their parking needs in order that they may use the existing parking lot as a playground for the children at the center.

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Name Renee Jackson
Business name (if applicable) _____
Address 10 Winona Ave
BALTO. MD 21222

July 10, 1986

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Name Willis E. Jones
Business name (if applicable) _____
Address 18 Winona Ave

July 10, 1986

TO WHOM IT MAY CONCERN:

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Name John Lutz
Business name (if applicable) _____
Address 310 Bayville Drive

July 10, 1986

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Name William A. Klement
Business name (if applicable) _____
Address 2 A WINONA AVE. BALTI.
MD. 21222

July 10, 1986

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Name Flannery M. Lisle
Business name (if applicable) _____
Address 16 Winona Ave

July 10, 1986

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Name Jack Des
Business name (if applicable) _____
Address 20 WINONA AVE
DUNDALK MD 21222

July 10, 1986

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Name PHILIP DEERE JR
Business name (if applicable) _____
Address 400 BAYSIDE DR
BALTO MD 21222